

**HONOURABLE SMT. JUSTICE T.MEENA KUMARI  
&  
HONOURABLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No:12054 OF 2007**

**Dated: 12.06.2007**

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Between:

M. Sathi Babu

**..Petitioner**

And

1. The Government of A.P., rep., by its  
Principal Secretary, Transport, Roads &  
Buildings, Department, Secretariat, Hyderabad  
and others.

**..Respondents**

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**HONOURABLE SMT. JUSTICE T.MEENA KUMARI  
&  
HONOURABLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No:12054 OF 2007**

**ORDER:** (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed aggrieved by non-consideration of the interim application of the petitioner for being promoted to the category of Senior Assistant on the basis of seniority-cum-efficiency, without taking into account the punishment passed in R.No.13957/V3/99, dated 2.8.2005 by the Transport Commissioner, A.P., Hyderabad.

The petitioner herein is the applicant before the Tribunal.

It is the case of the applicant that he is working as typist and he belongs to SC community. On certain allegations as to the misconduct for possession of the excess unaccounted amount in his pocket, an enquiry was conducted against him and punishment was also imposed withholding one increment with cumulative effect. Hence, he preferred an appeal and the same is pending. Meanwhile, as promotions are being effected to the category of Senior Assistant and a vacancy earmarked for SC is also sought to be filled up, without considering his case, he approached the Tribunal by filing O.A.No.2852/2007, in which an interim direction was also sought for. But the tribunal directed the respondent authorities to consider and pass appropriate orders on the appeal preferred by the applicant within a period of 4 Weeks from the date of receipt of that order.

It is the case of the petitioner-applicant that imposition of punishment of stoppage of one increment with cumulative effect would not be an embargo for considering his case for promotion and therefore, the promotion cannot be withheld. It is also contended that the process of promotion to the category of Senior Assistant is taken up and at this juncture, if the interim direction as sought for, were denied, the petitioner-applicant would be put to hardship.

Heard the learned Counsel for the petitioner and the learned Government Pleader for transport.

A perusal of the interim direction passed by the Tribunal on 7.6.2007 goes to show that the 1<sup>st</sup> respondent shall consider and pass appropriate orders on the appeal preferred by the applicant within a period of four weeks from the date of receipt of the copy of that order.

In view of the process for promotion that is going on and in view of the pendency of the appeal against the punishment of stoppage of one increment, without expressing any opinion on the merits of the case, We feel it appropriate to direct the respondents to consider the case of the petitioner-applicant for the present for promotion. Such promotion shall be subject to the result in the subsequent proceedings including the O.A. However, it is made clear that this will not preclude the respondent-authorities to proceed with the appeal and pass orders in accordance with law.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 12<sup>th</sup> June, 2007  
Nn/Gurc.

**HONOURABLE SMT. JUSTICE T.MEENA KUMARI**  
**&**  
**HONOURABLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No:12054 OF 2007**

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

**12/06/2007**

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